

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 4-5, 12 and 19 are pending in the present application. Claims 1, 4-5, 12 and 19 are amended; and Claims 2 and 13 are canceled without prejudice or disclaimer by the present amendment. Support for the amended claims can be found at least at Fig. 3 and pp. 11-12 of the originally filed specification. No new matter is presented.

In the Office Action, Claims 1, 4-5, 12 and 19 are rejected under 35 U.S.C. § 103(a) as unpatentable over Simonoff (U.S. 7,043,529) in view of Morris et al. (U.S. 2002/0052919, herein Morris); and Claims 2 and 13 are rejected under 35 U.S.C. § 103(a) as unpatentable over Simonoff in view of Morris and Johnson et al. (U.S. 7,143,177, herein Johnson).

As an initial matter, Applicant appreciatively acknowledges the courtesy extended by Examiner Lee in holding a personal interview with the undersigned on October 13, 2011. During the interview, an overview of the invention was presented and proposed claim amendments were discussed, which Examiner Lee indicated appeared to overcome the outstanding grounds of rejection.

More specifically, Examiner Lee recommended amending independent Claims 1, 4-5 and 12 to recite “a tune list comprising titles, names of artists and updating dates in view of the Leeke and Johnson references.” In response, independent Claims 1, 4-5 and 12 are amended as recommended by Examiner Lee. Moreover, as discussed below, amended independent Claims 1, 4-5 and 12 patentably define over the applied references in view of Leeke et al. (U.S. 6,587,127, herein Leeke) and/or Johnson.

Independent Claim 1, for example, is amended to replace the term “content” with “tune” throughout, and recites, in part, a service providing apparatus for providing a service

to a plurality of information processing apparatuses via a network, said service providing apparatus comprising:

storing means for storing a plurality of chat rooms, ***a list of available tunes and tune data corresponding to each of the available tunes, the tune data including a title, an artist name and an updating date ...***

Independent Claims 4-5 and 12, while directed to alternative embodiments, are amended to recite features similar to those emphasized above.

In rejecting now-canceled Claims 2 and 13, p. 15 of the Office Action acknowledges that Simonoff and Morris “do not specifically teach the content is music.” Therefore, it follows that these references also fail to teach or suggest storing a list of available tunes, and the tune data recited in amended independent Claims 1, 4-5 and 12.

In rejecting the features directed to the selection of music data, the Office Action relies on col. 5, ll. 32-41; col. 20, ll. 50-53; col. 21, ll. 24-36; col. 29, ll. 58-61; and col. 30, ll. 20-26 of Johnson. These cited portions of Johnson describe a process in which audience members may simultaneously receive multimedia data – one example is streamed music and/or video data – controlled by a “leader”. The audience members may also receive information identifying the multimedia content (e.g., segments), and information that synchronizes the presentation of the content to the audience members.

At no point, however, does Johnson describe a service providing apparatus that stores ***“a list of available tunes and tune data corresponding to each of the available tunes, the tune data including a title, an artist name and an updating date”***, as recited in amended independent Claims 1, 4-5 and 12.

During the interview, Examiner Lee also noted Leeke, which was cited in the prosecution of application no. 11/302,171.

Leeke describes a method of operation of a server 102 interacting with users 104 and 106 to provide personalized content to each of the users. The most relevant portion of Leeke

with regard to the storage of music-related data appears to be col. 23, ll. 17-25, which describes a process of displaying information regarding a selected album. The displayed information includes an album title, an artist, a copyright, a date and an icon. In the context of the information displayed in Leeke, the date information seems to correspond to a release date of the album, since it is stored along with the artist and copyright information and is not otherwise designated as another type of date.

Leeke, therefore, appears to describe a process of displaying a title and artist name corresponding to a song, but fails to display an **updating** date corresponding to the song. Instead, taking the context of Leeke into account, the date appears to be the release date of the album and not an **updating date** of the song, as recited in independent Claims 1, 4-5 and 12.

Simonoff and Morris, therefore, even if combined with Johnson and/or Leeke, fails to teach or suggest a service providing apparatus that stores “a plurality of chat rooms, a list of available tunes and tune data corresponding to each of the available tunes, the tune data including a title, an artist name and **an updating date**”, as recited in independent Claims 1, 4-5 and 12.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the rejection of Claim 1 (and Claim 19, which depends therefrom) under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons, it is also submitted that independent Claims 4-5 and 12 patentably define over the applied references.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 4-5, 12 and 19 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

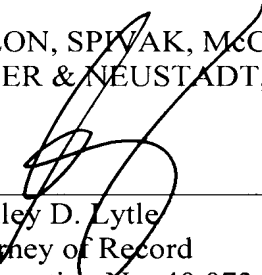
Respectfully submitted,

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